

Applicant: Frederick Burg  
Application Serial No.: 10/828,397  
Filing Date: April 20, 2004  
Docket No.: 2002-0540  
Reply to Non-Final Office Action mailed August 23, 2007  
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## REMARKS

Pursuant to the non-final Office Action mailed August 23, 2007, Applicant requests reconsideration. To further prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1-32 and 34-41 are currently pending in this application, of which Claims 1, 20, and 32 are independent claims. Claim 32 has been amended to incorporate the subject matter of Claim 33. Accordingly, Claim 33 has been canceled. The application as now presented is believed to be in allowable condition.

### A. Claim Rejections under 35 U.S.C. §102

Claims 1-41 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,245,612 to Petty et al. (*Petty*).

The present invention, as defined by Claim 1, is directed to a method of connecting a telephone call. The method includes receiving a message having caller information associated with a caller network device and called endpoint information associated with a called network device. The method also includes sending a first alerting signal to the called network device in response to the called endpoint information and detecting if a first connection signal is received from the called network device. The method further includes sending a second alerting signal to the caller network device in response to the caller information, detecting if a second connection signal is received from the caller network device, and connecting the called network device to the caller network device in response to the second connection signal.

The present invention, as defined by Claim 20, is directed to a method of connecting a telephone call to a calling center. The method includes receiving a message having caller information associated with a caller network device and calling center information associated with the calling center. The method also includes sending a first alerting signal to the calling center in response to the calling center information and detecting if a first connection signal is

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received from the calling center. The method also includes sending a second alerting signal to the caller network device in response to the caller information, detecting if a second connection signal is received from the caller network device, and connecting the caller network device to the calling center in response to the second connection signal.

The present invention, as defined by amended Claim 32, is directed to a system for connecting a telephone call. The system includes a server and a gateway. The server is adapted to receive a message having caller information associated with a caller network device and called endpoint information associated with a called network as well as to connect the telephone call in accordance with the caller information and with the called endpoint information. The gateway is coupled to the server and to a telephony network for providing communications from the server to the telephony network. At least one of the gateway and the server is adapted to send alerting signals to a called network device and to the caller network device and at least one of the gateway and the server is further adapted to detect connection signals from the caller network device and from the called network device.

The Office Action indicates that *Petty* discloses sending a second alerting signal to the caller network device in response to the caller information and detecting if a second connection signal is received from the caller network device at Abstract; Fig. 1; Col. 4, lines 14-36; col. 7, lines 41-55; col. 8, lines 34-63, Col. 9; Col. 10, lines 1-50. However, *Petty* merely discloses an Internet Call Waiting (ICW) service having incoming call information, call screening, and voice messaging capabilities. (*Petty* Abstract; Col. 4, lines 14-36; Col. 7, lines 41-55). Further, while the calling party of *Petty* waits for the called party to answer, the calling party may only receive an announcement, such as "Please hold. The person you are calling is busy at the moment." (*Petty* TABLE 1; Col. 8, lines 34-63; Col. 9; Col. 10, lines 1-50). If the called party is unavailable or does not wish to answer the waiting call, the calling party simply leaves a message that is logged and the process ends. (*Petty* Fig. 6; Col. 10, lines 19-26). The log simply reports the date and time that the calling party called. (*Petty* Col. 9, lines 18-26). Thus, if the called party does not answer the waiting call, no arrangements are made for the server to connect the calling party and the called party at another time. If the

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called party decides to answer the waiting call, the message is discarded and the call is connected without sending a second alerting signal to the calling party. (*Petty* Col. 10, lines 43-50).

*Petty* does not disclose sending a second alerting signal to the caller network device in response to the caller information. The announcement of *Petty* is not the second alerting signal of the claimed invention. The second alerting signal of the claimed invention indicates a request for voice communication between the caller and the calling party, while the announcement of *Petty* is a prerecorded message announced to the calling party while the calling party holds. In addition, *Petty* does not disclose detecting if a second connection signal is received from the caller network device.

Applicant respectfully notes that in order to support a claim of *prima facie* anticipation, a single reference must teach or enable each of the claimed elements as arranged in the claim interpreted by one of ordinary skill in the art. However, nothing in the art of record including *Petty* discloses the claimed invention defined by Claims 1, 20, and 32.

The claimed invention advantageously allows a caller to arrange a telephone call with another person at a future time and date such that the telephone call occurs automatically. In conventional systems, such as *Petty*, a caller first calls the person in order to arrange the specified time and date at which to place the telephone call. At the specified time and date, the telephone caller then must call the person, and the person must remember to be available to receive the telephone call. With this conventional arrangement, two telephone calls are placed in order to achieve the telephone call at the specified future time and date, the first call to arrange the future time and date, and the second call at the future time and date. As a result of the claimed invention, a single call is placed automatically at a future date and time based on information associated with the calling and called device information.

Applicant respectfully submits that Claims 2-19, which ultimately depend from Claim 1, Claims 21-31, which ultimately depend from Claim 20, and Claims 34-41, which ultimately depend from Claim 32, are patentable over the art of record by virtue of their

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dependence. Further, Applicant submits that Claims 2-19, 21-31, and 34-41 define additional patentable subject matter in their own right. For example, *Petty* does not disclose that the message includes time information and that sending the first alerting signal, detecting if the first connection signal is received, connecting to the called network device, sending the second alerting signal, detecting if the second connection signal is received, and connecting the called network device to the caller network device are performed at a time identified in the time information, as required by Claim 4. Rather, *Petty* discloses logging the time the waiting call occurred without further action. Therefore, it is respectfully requested that the rejection of Claims 1-32 and 34-41 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

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Conclusion

Entry of the amendments to Claim 32; favorable consideration of Claim 32, as amended; favorable reconsideration of Claims 1-31 and 34-41; and allowance of pending Claims 1-32 and 34-41 are solicited.

In view of the foregoing amendments and remarks, the subject application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number provided below to discuss any outstanding issues.

Respectfully submitted,

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